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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

MARIA GUADALUPE CORTES JIMENEZ,)	Case No. 1:22-cv-01344-BAM
)	
Plaintiff)
)	STIPULATION AND PROPOSED
v.	ORDER FOR AWARD OF ATTORNEY'S
)	FEES UNDER THE EQUAL ACCESS TO
)	JUSTICE ACT (EAJA)
COMMISSIONER OF SOCIAL SECURITY,)	
)	
)	(Doc. 31)
Defendant)
)	
)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount NINE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$9,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d). Accordingly, should this Court award fees and expenses under EAJA pursuant to this stipulation, Plaintiff's motion for attorney fees (ECF 29) would be moot.

1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
2 matter of any assignment of EAJA fees by Plaintiff to her counsel Jonathan Pena (Counsel). Pursuant
3 to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor
4 the assignment will depend on whether the fees are subject to any offset allowed under the United
5 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
6 government will determine whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
8 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
9 and costs to be made directly to Counsel pursuant to an assignment executed by Plaintiff. Any
10 payments made shall be delivered to Counsel.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
12 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
13 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
14 and all claims that Plaintiff and/or Counsel, including her firm, may have relating to EAJA attorney
15 fees in connection with this action.

16 This award is without prejudice to the rights of Counsel to seek Social Security Act attorney
17 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

18 Respectfully submitted,

19 Dated: June 28, 2024

20 By: /s/ Jonathan Pena *
21 JONATHAN PENA
22 *By email authorization on 6/28/24
23 Attorney for Plaintiff

24 Dated: June 28, 2024

PHILLIP A. TALBERT
United States Attorney

25 By: /s/ Marcelo Illarmo
26 MARCELO ILLARMO
27 Special Assistant United States Attorney
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ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses and good cause appearing, **IT IS ORDERED** that fees and expenses in the amount of NINE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$9,500.00) as authorized by 28 U.S.C. § 2412, and costs in the amount of ZERO DOLLARS (\$0.00) as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation. Furthermore, Plaintiff's motion for attorney fees (Doc. 29) is DENIED as moot.

IT IS SO ORDERED.

Dated: July 1, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE